

ATTACHMENT 1

IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

_____ day _____, 20____

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

RESOLUTION TO PARTIALLY UPHOLD THE APPEAL OF THOMAS HILLIARD AND
MODIFY THE DECISION OF THE SUBDIVISION REVIEW BOARD AND
CONDITIONALLY APPROVE THE APPLICATION OF THOMAS HILLIARD FOR A
TENTATIVE PARCEL MAP CO12-0065.

The following resolution is now offered and read:

WHEREAS, on May 4, 2015, the Subdivision Review Board of the County of San Luis Obispo (hereinafter referred to as the Subdivision Review Board) duly considered and conditionally approved the application of Thomas Hilliard for a Tentative Parcel Map CO12-0065; and

WHEREAS, the Subdivision Review Board imposed Condition of Approval 7, requiring installation of gas distribution lines on each new parcel, Condition of Approval 12, requiring the release of ownership of one development credit, and Condition of Approval 13, requiring connections to community water for each new parcel; and

WHEREAS, Thomas Hilliard has appealed the Subdivision Review Board's decision to impose Conditions of Approval 7, 12 and 13 to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the Board of Supervisors)

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pursuant to the applicable provisions of Titles 21 and 22 of the San Luis Obispo County Code; and

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on August 25, 2015, and determination and decision was made on August 25, 2015; and

WHEREAS, at said hearing, the Board of Supervisors heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said appeal; and

WHEREAS, the Board of Supervisors has duly considered the appeal and finds that the appeal should be partially upheld and the decision of the Subdivision Review Board should be modified, and that the application (SUB2013-00070) should be approved subject to the revised findings and revised conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth hereinabove are true, correct and valid.
2. That this project is found to be exempt from the provisions of the California Code of Regulations, Title 14, Sec. 15061(b)(3), (General Rule Exemption).
3. That the Board of Supervisors makes all of the findings of fact and determinations set forth in revised Exhibit A, attached hereto and incorporated by reference herein as though set forth in full.
4. That the appeal filed by Thomas Hilliard is hereby partially upheld for Condition 7 (gas line installation) and Condition 13 (community water) and denied for

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Condition 12 (Transfer of Development Credit requirement), the decision of the Subdivision Review Board is modified and the application of Thomas Hilliard for the Tentative Parcel Map CO12-0065 is hereby approved subject to the conditions of approval set forth in revised Exhibit B, attached hereto and incorporated by reference herein as though set forth in full.

Upon motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing resolution is hereby adopted.

Chairperson of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

[SEAL]

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APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL
County Counsel

By: Bing J
Deputy County Counsel

Dated: August 11, 2015

STATE OF CALIFORNIA,)
) ss.
County of San Luis Obispo,)

I, _____, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this day of _____, 20__.

County Clerk and Ex-Officio Clerk of the Board
of Supervisors

(SEAL)

By _____ Deputy Clerk.

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REVISED FINDINGS - EXHIBIT A HILLIARD PARCEL MAP (SUB2013-00070/CO12-0065)

Environmental Determination

- A. The project is covered by the general rule that CEQA applies to projects that have the potential for not causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment because the proposed lot split is compatible with the surrounding residential neighborhood and there are no sensitive resources on the site. Therefore, the project is not subject to CEQA (State CEQA Guidelines sec. 15061 (b) (3), General Rule Exemption).

Tentative Map

- B. The proposed map is consistent with applicable county general and specific plans because it complies with applicable area plan standards and is being subdivided in a consistent manner with the Residential Suburban land use category.
- C. The proposed map is consistent with the county zoning and subdivision ordinances because the resulting parcels meet the minimum parcel size set by the Land Use Ordinance (Section 22.94.080(H)) and the design standards of the Real Property Division Ordinance.
- D. The design and improvement of the proposed subdivision are consistent with the applicable county general and specific plans because required improvements will be completed consistent with county ordinance and conditions of approval and the design of the parcels meets applicable policies of the general plan and ordinances.
- E. The site is physically suitable for future residential development because the proposed parcels contain adequate area for development of single family residences and residential accessory uses allowed in the Residential Suburban land use category.
- F. The site is physically suitable for the proposed density of the development proposed because each resulting parcel can adequately support a single family residence and accessory uses allowed in the Residential Suburban land use category.
- G. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the site is not located in an area that is not in close proximity to significant fish or wildlife habitats. The resulting parcels uses the land efficiently, minimize site disruption in respect to cuts, fills, and vegetation removal, will not hinder the use of the subject or adjacent parcels, and maintain the character and parcel configuration pattern of the surrounding area.
- H. The design of the subdivision or the type of improvement will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

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- I. The proposed map complies with Section 66474.6 of the State Subdivision Map Act, as to methods of handling and discharge of waste.

Road Improvements

- J. In the interest of the public health and safety, and as a necessary pre-requisite to the orderly development of the surrounding area, the construction of any road improvements shall occur prior to recordation of the parcel map or, if bonded for, within one year after recordation of the parcel map and prior to issuance of a permit or other grant of approval for development on a parcel.

Adjustments – Gas Distribution Main Installation

- K. There is no gas purveyor that services the Sandoval Road area and many parcels within the immediate vicinity are serviced by either propane or electricity. The requirement for new gas distribution mains along the entire project frontage may not be unnecessary and no installation will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood of the subdivision if evidentiary information is provided verifying there are no gas services the Sandoval Road area, prior to recordation of the parcel map.

Adjustments – Use of On-Site Individual Well

- L. The granting of the on-site individual well use will not have an adverse effect on the health or safety of persons residing in the neighborhood of the subdivision because the local water purveyor, Atascadero Mutual Water Company issued a will-serve letter (AMWC, May 19, 2014) and does not object to the use of the existing on-site well to serve the newly created Parcel 1. The proposed Parcel 2 is currently served by the Atascadero Mutual Water Company. When used, such well must be compliant with on-site well standards for single family dwelling and approved by the County Building Official pursuant to the Title 19 Building and Construction Ordinance requirements.

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REVISED CONDITIONS - EXHIBIT B HILLIARD PARCEL MAP (SUB2013-00070/CO 12-0065)

Approved Project

A Tentative Parcel Map (CO 12-0065) to subdivide an existing 5 acre parcel into two parcels of 2.5 acres each for the purpose of sale and/or development.

Access & Improvements

1. Sandoval Road shall be widened to complete the project frontage of an A-1 rural road section fronting the property within a dedicated right-of-way easement of sufficient width to contain all elements of the roadway prism.
2. A private access road serving Parcels 1 and 2 shall be reconstructed, if necessary, to Cal Fire Standards within a minimum 25-foot private access and utility easement with additional easement width as necessary to contain all elements of the roadway prism. The access road shall terminate in a Cal Fire standard cul-de-sac or other approved terminus.
3. The future development on Parcel 1 shall utilize a shared driveway with Parcel 2 (using the existing driveway). The driveway approach shall be constructed, if necessary, in accordance with County Public Improvement Standards.
4. Improvement plans shall be prepared in accordance with County Public Improvement Standards by a Registered Civil Engineer and submitted to the Department of Public Works and the county Health Department for approval. The plans are to include, as applicable:
 - a. Street plan and profile.
 - b. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - c. Water plan to be approved jointly with County Environmental Health.
 - d. Sewer plan to be approved jointly with County Environmental Health.
 - e. Sedimentation and erosion control plan for subdivision related improvement locations.
 - f. Public utility plan, showing all existing utilities and installation of all new utilities to serve each lot.
5. All new electric power, telephone and cable television services shall be completed to each new parcel and ready for service. Applicant responsibilities for electric service and distribution line extensions (facilities and equipment) are detailed in PG&E Electric Rule No.15 and Rule No.16, respectively.
6. **Prior to final map recordation**, electric, telephone, and cable television services shall be completed, and shall meet the utilities' installation requirements, unless (in-lieu) financial arrangements with the utility for the installation of these systems have been made.

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7. New gas distribution mains shall be installed along the entire project frontage(s) and gas service laterals shall be stubbed to each new parcel unless otherwise directed by the gas purveyor. Prior to recordation of the final map, the applicant shall provide evidence of refusal-to-serve by the gas purveyor in order to be exempted from this requirement.

Offers, Easements, and Restrictions

8. The applicant shall offer for dedication to the public the following easements by certificate on the map or by separate document:
 - a. For future road improvement additional 5-foot wide road right-of-way along Sandoval Road to be described as 25-feet from the recorded centerline.
9. The applicant shall reserve the following private easements by certificate on the map or by separate document:
 - a. A minimum 25-foot shared private access and utility easement in favor of Parcel 1 and Parcel 2 with additional width as necessary to include all elements of the roadway prism and as may be required by Cal Fire.

Fire Safety

10. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan prepared for the project by the Cal Fire Department, dated July 11, 2014.

Parks and Recreation (Quimby) Fees

11. Unless exempted by Chapter 21.09 of the county Real Property Division Ordinance or California Government Code section 66477, prior to filing of the final parcel or tract map, the applicant shall pay the in-lieu fee that will be used for community park and recreational purposes as required by Chapter 21.09. The fee shall be based on the total number of new parcels or remainder parcels shown on the map that do not already have legal residential units on them.

Transfer of Development Credit

12. **Prior to recordation of the final map**, the applicant shall release their ownership in the Receipt of Transfer or the Certificate of Sending Credits to the Department of Planning and Building. Acceptance of the release shall only occur if the credits are located in conformance with Section 22.24.090 of Title 22. The Director shall notify the TDC Administrator of the release and specify the registration numbers of the credits that were

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used. After release, the credits are no longer valid and available for use. The applicant is required to transfer one credit from an existing sending site in the Adelaida area for the purpose of this subdivision.

Miscellaneous

13. This subdivision is also subject to the standard conditions of approval for all subdivisions using community water and septic or individual well and septic system. Copies of which are attached hereto and incorporated by reference herein as though set forth in full. Modification(s) to the Title 19 domestic water use requirements for single family dwellings may be granted by the Building Official if the applicant provides sufficient information to allow such modification evaluation to be made in accordance with Section 104.10 of the California Building Code.
14. All timeframes on approved tentative maps for filing of final parcel or tract maps are measured from the date the Review Authority approves the tentative map, not from the date a time extension request may be acted on.
15. Prior to map recordation a Road Maintenance Agreement must be recorded with the San Luis Obispo County Clerk-Recorder. The agreement shall establish an organized and perpetual mechanism to ensure adequate maintenance of the onsite shared access road; and shall be binding upon the heirs and assigns.
16. **Prior to any construction activities at the site**, the project proponent shall ensure that a geologic evaluation is conducted to determine if the area disturbed is exempt from the regulation under the ARB Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations (93105). An exemption request must be filed with the APCD.

Wastewater Disposal

17. **Prior to the filing of the final parcel map**, the applicant shall submit to and be jointly approved by the County Department of Planning and Building and Health Department, results of percolation tests and the log or logs of soil borings performed by a registered civil engineer. For this purpose, the applicant shall perform one or more soil borings to be a minimum depth of ten (10) feet in the area of the appropriate area of the proposed sewage disposal system to determine the: a) subsurface soil conditions, (example: impermeable strata which act as barriers to the effective percolation of sewage); b) presence of groundwater; c) separation between sewage disposal saturation areas and groundwater; d) borings shall be as deep as necessary below the proposed on-site disposal area to assure required separation. The applicant must perform a minimum of three (3) percolation test holes, to be spaced uniformly in the area of the proposed sewage disposal system on Parcel 1.

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Design

18. **Prior to the filing of the final parcel map**, the Dunn Barn on Parcel 1 shall be brought into conformance in accordance to Land Use Ordinance Section 22.01.070. A demolition and as-built permits will be required to remove unpermitted kitchen(s), bath(s) and other improvements made and revert the barn into a non-habitable structure. A grading permit may be required for the on-site grading done to create the parking pads. Permit(s) must be finalized by the Department of Planning and Building prior to the filing of the final parcel map.

Additional Map Sheet

19. The applicant shall prepare an additional map sheet to be approved by the County Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:
 - a. That approval of the subdivision included the use of Transfer Development Credits, the number of credits used, their registration numbers, and the location and assessor's parcel numbers of the sending site.
 - b. Building setback line for noise mitigation as shown on tentative map.
 - c. **At the time of application for construction permits**, the applicant shall demonstrate whether the project (including both public and private improvements) is subject to the LUO Section for Stormwater Management. Applicable projects shall submit a Stormwater Control Plan (SWCP) to satisfy post construction requirements for stormwater treatment prepared by an appropriately licensed professional to the County for review and approval. The SWCP shall incorporate appropriate BMP's, shall demonstrate compliance with Stormwater Quality Standards and shall include a preliminary drainage plan, a preliminary erosion and sedimentation control plan. The applicant shall submit complete drainage calculations for review and approval.
 - d. **At the time of application for construction permits**, if necessary, the applicant shall submit a draft "Private Stormwater Conveyance Management and Maintenance System" exhibit for any proposed post construction structural treatment device for review and approval by the County.
 - e. **Prior to approval of the construction permits**, if necessary, the applicant shall record with the County Clerk the "Private Stormwater Conveyance Management and Maintenance System" to document on-going and permanent storm drainage control, management, treatment, disposal and reporting.
 - f. Secondary dwellings shall not be allowed on Parcel 1 or Parcel 2.
 - g. Notification to prospective buyers that the access road is to be privately maintained, indicating the proposed maintenance mechanism.

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STANDARD CONDITIONS OF APPROVAL FOR SUBDIVISIONS USING

COMMUNITY WATER AND SEPTIC TANKS

1. Community water and fire protection shall be obtained from the community water system.
2. Operable water facilities from an approved Public water source shall be assured prior to the filing of the final map. A “final will serve” letter shall be obtained and submitted to Environmental Health Services for review and approval stating there are operable water facilities immediately available for connection to the parcels created. Construction of required improvements (water main extensions, laterals to each parcel) may be delayed, through preparation of plans, posting of bonds, and subject to the approval of County Public Works, Environmental Health Services, and the public water utility. However, bonding may **not** occur for the water well(s) construction, quantity and quality.
3. No residential building permits are to be issued until the community (public) water system is operational with a domestic water supply permit issued by Environmental Health Services.
4. In order to protect the public safety and prevent possible groundwater pollution, any abandoned wells on the property shall be destroyed in accordance with the San Luis Obispo County Well Ordinance Chapter 8.40, and Environmental Health Services destruction standards. The applicant is required to obtain a permit from the County Health Department.
5. When a potentially operational or existing auxiliary water supply (in the form of an existing well(s)) is located on the parcels created by this subdivision and approved community water is proposed to serve the parcels, the community water supply shall be protected from real or potential cross-contamination by means of an **approved** cross-connection control device installed at the meter or property line service connection **prior to occupancy**. (Chapter 8.30, San Luis Obispo County Code).
6. On-site systems that are in conformance with the county–approved Central Coast Regional Water Quality Control Board basin plan and County Building and Construction Ordinance, Title 19, will be an acceptable method of sewage disposal, until public sewers may become available.
7. No sewage disposal system installations are to be placed closer than 100 feet from the top of any perennial or continuous creek bank, drainage swale or area subject to inundation.
8. For parcels created with approved community (public) water but no community sewers, the approved on-site sewage disposal system shall be designed, where feasible, for ease in ultimate sewerage.

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9. Sewage disposal systems shall be separated from any individual domestic well and/or agricultural well, as follows: 1) leaching areas, feed lots, etc., one hundred (100) feet and bored seepage pits (dry wells), one hundred and fifty (150) feet. Domestic wells intended to serve 5 or more parcels shall be separated by a minimum of two hundred (200) feet from a leach field, two hundred and fifty (250) feet from seepage pits or dry wells.
10. Individual systems on new land divisions shall be designed and constructed to either reserve sufficient site area for dual leach fields (100% replacement area), or construct the dual leach fields with a diverter valve at the time of initial septic system installation.
11. Sewage disposal systems installed on slopes in excess of 20% shall be designed and certified by a registered civil engineer or geologist and submitted to the County Planning and Environmental Health Services for review and approval prior to the issuance of a building permit. Consultants shall determine geologically stable building sites and sewage disposal for each parcel, including evaluations of hillside stability under the most adverse conditions including rock saturation and seismic forces. Slopes in excess of 30% are not considered suitable or practical for on-site subsurface sewage disposal.
12. An encroachment permit shall be obtained from County Public Works for any work to be performed within the county right-of-way.
13. An encroachment permit shall be obtained from the California Department of Transportation for any work to be performed on the state highway.
14. Any existing reservoir or drainage swale on the property shall be delineated on the map.
15. Prior to submission of the map "check prints" to County Public Works, the project shall be reviewed by all applicable public utility companies and a letter be obtained indicating required easements.
16. Required public utility easements shall be shown on the map.
17. Approved street names shall be shown on the map.
18. The applicant shall comply with state, county and district laws/ordinances applicable to fire protection and consider increased fire risk to area by the subdivision of land proposed.
19. The developer shall submit a preliminary subdivision guarantee to County Public Works for review prior to the filing of the map.
20. Any private easements on the property shall be shown on the map with recording data.
21. All conditions of approval herein specified, unless otherwise noted, shall be completed prior to recordation of the map.

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22. After approval by the Review Authority, compliance with the preceding conditions will bring the proposed subdivision in conformance with the Subdivision Map Act and county ordinances.
23. A map shall be filed in accordance with the Subdivision Map Act and county ordinance prior to sale, lease, or financing of the lots proposed by the subdivision.
24. A tentative map will expire 24 months from the effective date of the approval. Tentative maps may be extended. Written requests with appropriate fees must be submitted to the Planning Department prior to the expiration date. The expiration of tentative maps will terminate all proceedings on the matter.

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STANDARD CONDITIONS OF APPROVAL FOR SUBDIVISIONS USING INDIVIDUAL WELLS AND SEPTIC TANKS

1. Each parcel shall have its own private well(s) for a domestic water supply approved by Environmental Health Services, except as set forth in 2d.
2. Operable water facilities shall exist prior to the filing of the final subdivision map. Evidence of adequate and potable water, shall be submitted to Environmental Health Services including the following:
 - A. Well Completion Report- The well log generated by the driller at the time the well is constructed.
 - B. Water Quality- A complete chemical analysis, to include general mineral, general physical and inorganics, shall be submitted for evaluation for each of the wells developed. Site evaluations may trigger additional testing requirements by Environmental Health Services. (Within last 5 years)
 - C. Production- On individual private wells, a minimum of a four hour pump test with draw down and recovery data by a **licensed** and **bonded** well driller or pump testing company, shall be submitted for review and approval for each well proposed for the subdivision. (Within last 5 years)
 - D. Shared Well System- The applicant shall contact Environmental Health Services for assistance in properly designing a shared water well system. A shared water well system review fee (said fee is separate from any fees paid through the County Planning and Building Department) shall be provided to this office prior to finaling the map.
3. On-site systems that are in conformance with the county-approved Central Coast Regional Water Quality Control Board basin plan and County Building and Construction Ordinance, Title 19, will be an acceptable method of sewage disposal until community sewers may become available.
4. No sewage disposal system installations are to be placed closer than 100 feet from the top of any perennial or continuous creek banks, drainage swales or areas subject to inundation.
5. Sewage disposal systems shall be separated from any individual domestic well and/or agricultural well, as follows: 1) leaching areas, feed lots, etc., one hundred (100) feet and bored seepage pits (dry wells), one hundred and fifty (150) feet. Domestic wells intended to serve 5 or more parcels shall be separated by a minimum of two hundred (200) feet from septic systems and dry wells.
6. Individual systems on new land divisions shall be designed and constructed to either reserve sufficient site area for dual leach fields (100% replacement area), or construct the dual leach fields with a diverter valve at the time of initial septic system installation.
7. Sewage disposal systems installed on slopes in excess of 20% shall be designed and certified by a registered civil engineer or geologist and submitted to the County Planning

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Department for review and approval **prior to the issuance of a building permit.** Consultants shall determine geologically stable building sites and sewage disposal for each parcel, including evaluations of hillside stability under the most adverse conditions including rock saturation and seismic forces. Slopes in excess of 30% are not considered suitable or practical for subsurface sewage disposal.

8. An encroachment permit shall be obtained from County Public Works for any work to be done within the county right-of-way.
9. An encroachment permit shall be obtained from the California Department of Transportation for any work to be done on the state highway.
10. Any existing reservoir or drainage swale on the property shall be delineated on the map.
11. Prior to submission of the map "checkprints" to County Public Works, the project shall be reviewed by all applicable public utility companies and a letter be obtained indicating required easements.
12. Required public utility easements shall be shown on the map.
13. Approved street names shall be shown on the map.
14. The applicant shall comply with state, county and district laws/ordinances applicable to fire protection and consider increased fire risk to area by the subdivision of the land proposed.
15. The developer shall submit a preliminary subdivision guarantee to County Public Works for review prior to recordation of the map.
16. Any private easements on the property shall be shown on the map with recording data.
17. All conditions of approval herein specified, unless otherwise noted, shall be complied with prior to recordation of the map.
18. After approval by the Review Authority, compliance with the preceding conditions will bring the proposed subdivision in conformance with the Subdivision Map Act and county ordinances.
19. A map shall be filed in accordance with Subdivision Map Act and county ordinance prior to sale, lease, or financing of the lots proposed by the subdivision.
20. A tentative map will expire 24 months from the effective date of the approval. Tentative maps may be extended. Written requests with appropriate fees must be submitted to the Planning Department prior to the expiration date. The expiration of tentative maps will terminate all proceedings on the matter.